



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PAS
F. #2018R01492

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 1, 2019

By Fedex and ECF

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Re: United States v. Ali Saleh
Criminal Docket No. 18-CR-00468 (WFK)

Dear Mr. Zissou, Mr. Ricco, and Mr. Bachrach:

Enclosed please find the government's seventh discovery production in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also reiterates its prior requests for reciprocal discovery from the defendant.

I. The Government's Discovery

A. Documents

The following redacted documents are enclosed:

1. Medical records, Bates-stamped SALEH000536 - SALEH000628;
2. BOP form "Referral of an Inmate Criminal Matter for Investigation," inmate discipline forms, and incident reports, Bates-stamped SALEH000629 – SALEH000634;
3. Photographs taken at the Metropolitan Detention Center on February 28, 2019, Bates-stamped SALEH000635 – SALEH000639

4. BOP clinic records, Bates-stamped SALEH000640 – SALEH000644; and
5. BOP incident reports and memoranda, Bates-stamped SALEH000652 – SALEH000664.

B. Videos

The following videos are enclosed:

6. MDC security camera footage dated February 28, 2019, Bates-numbered SALEH000645 – SALEH000649 (this footage must be played with NVPlayer, which is included with the production);
7. Footage of a debriefing session at the MDC, Bates-numbered SALEH000650; and
8. Footage of a medical assessment of the Defendant at the MDC, Bates-numbered SALEH000651.

II. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me in writing.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
Philip A. Selden
Assistant U.S. Attorney
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Enclosures

cc: Clerk of the Court (WFK) (by ECF) (without enclosures)